

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: May 13, 2014		DATE SUBMITTED: Hugh R. Walker	
DEPARTMENT OF ORIGIN: Legal/CMO		SUBMITTED BY: May 2, 2014	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: A proposed resolution approving the conveyance of a remainder tract consisting of approximately 16.7 acres of land to the Brazos Valley Solid Waste Management Agency, Inc. (BVSWMA); and authorizing the Mayor to execute a special warranty deed and such other documents necessary for the conveyance; and providing an effective date.			
SUMMARY STATEMENT: In February 2010, the Cities of Bryan and College Station created the Brazos Valley Solid Waste Management Agency, Inc. (BVSWMA), a Texas non-profit local government corporation pursuant to Chapter 431, Texas Transportation Code, to own and operate the Rock Prairie and Twin Oaks landfills for the two cities. At that time, both cities conveyed their one-half (1/2) ownership in the landfill properties to the BVSWMA.			
Recently, a survey revealed that a 16.7 acre remainder tract exists from the 75.17 acre tract jointly owned by the two cities conveyed to the BVSWMA when it was created. That is, the 16.7 acre tract was not conveyed to the BVSWMA as originally intended.			
By approving this resolution, a special warranty deed will appropriately transfer the remaining 16.7 acres to the BVSWMA. The City of College Station is expected to take similar action.			
Staff recommends that the City Council approve this resolution contingent upon the City of College Station City Council taking similar action.			
STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approving the proposed resolution so that the remaining 16.7 tract can be transferred to the BVSWMA as originally intended. As the entity responsible for the operations and post-closure activities of the landfills, transferring the property is a sound business practice.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve the proposed resolution contingent upon the City of College Station City Council taking similar action 2. Approve the proposed resolution 3. Do not approve the proposed resolution and provide direction to staff 			
ATTACHMENTS:			
<ol style="list-style-type: none"> 1. Proposed resolution 2. Special Warranty Deed (pdf file) 			

FUNDING SOURCE: na
APPROVALS: Hugh R. Walker, 05/02/2014
APPROVED FOR SUBMITTAL: CITY MANAGER
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 05-06-14

Revised 05/2013

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, APPROVING THE CONVEYANCE OF A REMAINDER TRACT CONSISTING OF APPROXIMATELY 16.7 ACRES OF LAND TO THE BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY, INC. (BVSWMA); AND AUTHORIZING THE MAYOR TO EXECUTE A SPECIAL WARRANTY DEED AND SUCH OTHER DOCUMENTS NECESSARY FOR THE CONVEYANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in February 2010, the Cities of Bryan and College Station created BVSWMA INC, a Texas non-profit local government corporation pursuant to Chapter 431, Texas Transportation Code to own and operate the Rock Prairie and Twin Oaks landfills for the two cities, and both cities each conveyed their ½ ownership in the landfill properties to the BVSWMA, INC.

WHEREAS, a recent survey has revealed that a 16.7 acre remainder tract exists from the 75.17 acre tract jointly owned by the City of Bryan and the City of College Station conveyed to BVSWMA, Inc. when it was created.

WHEREAS, the Bryan City Council finds it to be in the best interest of the City of Bryan, the City of College Station and BVSWMA, Inc. for the two cities to convey the small remainder tract to BVSWMA, INC.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved.

Section 2. That the Bryan City Council approves of the conveyance of the 16.7 acre remainder tract to be conveyed to BVSWMA, INC., and authorizes the mayor to execute a Special Warranty Deed in substantially the form attached hereto as Exhibit "A".

Section 3. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this _____ day of _____, 2014.

ATTEST:

CITY OF BRYAN

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney